

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number

0500-0614

Case Title:

Village of Crestwood, IL

Reporting Office:

Chicago, IL, Area Office

Subject of Report:

Interview of (b) (6), (b) (7)(C) Burke Engineering

Activity Date:

June 25, 2009

Copies to:

Related Files:

Reporting Official and Date:

(b) (6), (b) (7)(C) SA
01-JUL-2009, Signed by: (b) (6), (b) (7)(C) SA

Approving Official and Date:

(b) (6), (b) (7)(C) , SAC
08-JUL-2009, Approved by: (b) (6), (b) (7) , SAC

SYNOPSIS

06/25/2009 - (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) began working at Burke Engineering Cooperation (Burke) in 2001 and is currently a Design Engineer. (b) (6), (b) (7)(C) has prepared water use LMO-2 reports required by Illinois Department of Natural Resources (IDNR), for the City of Markham Illinois. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Owner of Burke, told (b) (6), (b) (7)(C) to ensure the 8% limit specified on the LMO report is not exceeded. Additionally, (b) (6), (b) (7)(C) has been told that if calculations showed water lose greater then 8%, back off the calculation to achieve compliance with the 8%. On or about the first time (b) (6), (b) (7)(C) became aware of the Village of Crestwood well (b) (6), (b) (7)(C) over heard a conversation involving (b) (6), (b) (7)(C) regarding the 8%.

DETAILS

On June 25, 2009, this Reporting Agent, Special Agents (b) (6), (b) (7)(C) (RA) and Special Agent, (b) (6), (b) (7)(C) (SA (b) (6), (b) (7)(C)), U.S. Environmental Protection Agency, Criminal Investigation Division (EPA CID) interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) DOB (b) (6), (b) (7)(C), IL DL# (b) (6), (b) (7)(C) regarding Burke Engineering Corporations knowledge of the Village of Crestwoods well. (b) (6), (b) (7)(C) resides at (b) (6), (b) (7)(C), Tinley Park, Illinois 60477. The interviewed was conducted at (b) (6), (b) (7)(C) place of employment, Burke Engineering Corporation, 18330 Distinctive Drive, Orland Park, Illinois, 60467; Telephone No: (708) 326-4000, during a search of the company. The interview began at approximately 9:00am. (b) (6), (b) (7)(C) approached this RA several times during the search to provide additional information and to clarify (b) (6), (b) (7)(C) statements. (b) (6), (b) (7)(C) left the office at approximately 1:15pm.

Upon meeting, (b) (6), (b) (7)(C) escorted RA and SA (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) office where (b) (6), (b) (7)(C) was shown EPA CID credentials. (b) (6), (b) (7)(C) was informed by this RA that the office door was being closed for privacy, that (b) (6), (b) (7)(C) was not under arrest, and (b) (6), (b) (7)(C) could end the interview at any time. Additionally (b) (6), (b) (7)(C) was told that it was important to tell the truth and that lying to the Agents could result in (b) (6), (b) (7)(C) prosecution. (b) (6), (b) (7)(C) was asked if (b) (6), (b) (7)(C) were willing to talk with the

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Agents, (b) opined "I don't have a choice, so", this RA again explained to (b) (6), (b) did not have to speak with the Agents and could end the interview at any time. (b) (6), said (b) has nothing to hide and that (b) says (b) ((b) (6), (b) is a terrible liar so (b) would not lie to the (b) Agents. (b) (6), agreed to be interviewed.

In summary and not verbatim, unless otherwise noted, (b) (6), provided the following information:

Background:

(b) (6), is a graduate of Calvin College, Grand Rapids, Michigan. (b) received (b) professional engineer license in 2007. (b) (6), began working at Burke Engineering Cooperation (Burke) in 2001 and is currently a Design Engineer.

(b) (6), is directly supervised by (b) (6), (b) (7)(C) ((b) (6), (b) (7)(C) and (b) (6), (b) (6), (b) (7)(C)). (b) was previously supervised by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), until (b) (6), (b) (7)(C) left Burke.

(b) (6), (b) (7) is the owner of Burke, (b) is currently semi-retired. (b) (6), (b) (7)(C) (b) (6), currently run the business. (b) (6), (b) (7) owns a home in Arkansas where (b) visits four to five times a year, one or two weeks at a time. (b) (6), (b) (7) was in Arkansas at the time of this interview. (b) (6), (b) (7)(C) (b) (6), (b) (7) previously worked at Burke. (b) (6), (b) was in-charge in 2006 but left for reasons unknown to (b) (6), (b) (7)(C).

(b) (6), (b) duties include working with municipalities on issues such as Illinois Department of Transportation (IDOT) fuel tax and construction projects. (b) (6), said (b) was "thrown into the fire with (b) (6), (b) and (b) (6), working on the municipal side" particularly after (b) (6), (b) (7)(C) left.

(b) (6), (b) worked on Village of Crestwood Illinois (Crestwood) projects under the direction of (b) (6), (b) (7)(C) is the primary point of contact for Crestwood. (b) (6), is the primary engineer for Crestwood's IDOT issues and responding to Crestwood's Letter of Violation (LOV) issued in 2008/2009 by the Illinois Environmental Protection Agency (IEPA) regarding the well. In (b) (6), (b) (7)(C) absence (b) has also been the point of contact for other Crestwood well issues receiving and sending correspondence. (b) (6), could say for sure if (b) (6), (b) (7)(C) ever worked with Crestwood, (b) opined (b) didn't think (b) did. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) is (b) (6), (b) Crestwood contact.

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Burke was fire by Crestwood in 2006 thru 2007 and was replaced by (b) (6), (b) (7)(C), an engineering company in Chicago. For much of 2007 Burke did nothing for Crestwood. (b) (6), (b) (7)(C) opined Burke was fire because (b) (6), (b) (7)(C) was in Arkansas and Crestwood officials couldn't get in touch with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) did not know the issue, purpose behind Crestwood's calls, or the urgency of the issue that resulted in Burke being fired.

Burke currently employs five engineers and three surveyors; they had over thirty employees a few years ago

Crestwood well:

(b) (6), (b) (7)(C) became aware of the Crestwood well after Crestwood officials hired Burke to prepare a response to a LOV issued by IEPA regarding the operation of the well. (b) (6), (b) (7)(C) opined (b) (6), (b) (7)(C) had seen and read about the Crestwood well and its contamination in the news. (b) (6), (b) (7)(C) said neither (b) (6), (b) (7)(C) nor anyone at Burke was aware the well was contaminated prior to hearing about it in the news and after Crestwood had hired Burke to response to the LOV.

Regarding the LOV response Crestwood had two choices, 1) pump the well discharge to the sanitary sewer, or 2) install a treatment plant. The discharge was required in order to purge the well prior to sampling for water quality testing. Burke does not perform water sampling or chemical analysis. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) had not seen the Crestwood well house until (b) (6), (b) (7)(C) visited the site in order to respond to the LOV. (b) (6), (b) (7)(C) opined (b) (6), (b) (7)(C) had previously thought the Alsip water reservoir and pump house was the well location.

(b) (6), (b) (7)(C) contacts regarding the Crestwood Well were (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C); (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) took (b) (6), (b) (7)(C) to the well. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) discussed the well contamination; their conversation was limited to the type of contamination and the level of pollutants. The information was important to ensure the contaminants did not violate any permit to discharge, from the well, to the Metropolitan Water Reclamation District (MWRD) sanitary sewer. (b) (6), (b) (7)(C) said "we don't get involved in maintenance or testing of the well".

Water Usage LMO-2 reports:

(b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) has heard of (b) (6), (b) (7)(C), currently the Chief of Police for Crestwood, through (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) previously

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worked in the Crestwood Village offices and prepared the annual water use report or LMO-2 (LMO) reports.

(b) (6), was shown the November 29, 1982, LMO and associated cover letter from (b) (6), (b) (7) to the Crestwood Mayor and Board of Trustees, and hand written work sheets. (b) did not prepare the November 1992 Crestwood LMO. (b) (6), was asked to read the cover letter, in-particular the sentence in the third paragraphs that states "This also hides the amount that we pump from the well". (b) (6), said LMOs keep track of water lost from the water distribution system, hiding the Crestwood well usage would ensure the lose limit is not exceeded.

(b) (6), made reference to 8% as being the LMO water lose limit. (b) said (b) (6), (b) (7) told (b) to ensure the 8% limit is not exceeded on LMOs. Additionally (b) (6), has been told by (b) (6), (b) (7) that if calculations showed water lose greater then 8%, back off the calculation to achieve compliance with the 8%. On or about the first time (b) (6), became aware of the Crestwood well (b) over heard a conversation involving (b) (6), (b) (7) about the 8%. (b) opined the bottom line number has to be 8%, that is what we (Burke) worked with. (b) (6), said after reviewing the November 1982 work sheet attached to the LMO in (b) opinion if you are showing water bought and sold the difference is not to get above the 8%.

Municipalities, such as Crestwood, provide Burke with water usage data. Burke in-turn calculates water lost in the system, transfers the data to the LMO then mails the LMO to the client and/or the regulating agency. The regulating agency was once Illinois Department of Transportation (IDOT) and is now Illinois Department of Natural Resources (IDNR).

Water lose may be due to leaks, bad meters, non-metered usage such as fire hydrants, etc. (b) (6), opined we can only work with what we are provided. The foundation of an LMO is an incomplete document submitted by the municipality to Burke. In (b) experience, (b) has had to repeatedly request water usage data from the City of Markham (Markham), Illinois, to complete their LMOs. (b) said, we (Burke) have sent in LMOs with negative loses; the numbers obtained from the towns are crazy. (b) (6), said Burke used the best "reasonable" numbers to report on the LMOs. (b) (6), (b) (7) instructed (b) (6), and (b) (6), (b) (7)(C) on how to come up with "reasonable" numbers, (b) opined you work with the best numbers you have.

(b) (6), opined some town's water systems are messed up and (b) knows (b) boss (b) (6), (b) (7)(C) would not go along with anything harmful to people. (b)

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said a couple of weeks ago (b) (6), (b) (7) said (b) (6) didn't know the well was contaminated. (b) (6), said "I honestly have to believe (b) (6), (b) (6) would never do anything to someone."

(b) (6), was asked about getting the LMO numbers at or below 8%, (b) (6) laughed. Regarding the governments expectation LMOs were accurate, (b) (6) again said Burke used the best "reasonable" numbers and that (b) (6), (b) (7)(C) had the same opinion (b) (6) did; (b) (6) again stated Burke had submitted LMOs with negative numbers. (b) (6), said (b) (6), (b) (7)(C) (b) (6), (b) (6) and (b) (6), (b) (7)(C) help (b) (6), as a young engineer, complete LMOs for (b) (6), (b) (6); (b) (6), never prepared a Crestwood LMO.

In preparing (b) (6), (b) (7)(C) LMOs, (b) (6), used previously submitted LMOs that made sense to (b) (6) as a reference. Regarding the possibility reference LMO were manipulated and inaccurate, (b) (6), said "I try not to lie or do the wrong thing" and "we tried to rationalize the best we can".

LMO were not sent out without higher approval. (b) (6), recalled getting LMOs back from (b) (6) boss, who is (b) (6), (b) (7) and had been (b) (6), (b) (7)(C), and participating in meetings with (b) (6), (b) (7) and (b) (6), (b) (7)(C) to rationalizing and come up with "reasonable" figures.

Regarding sending (b) (6), (b) (6) before (a report of the actual numbers based on the data provided by (b) (6), (b) (7) and after (a report showing loses of 8% or less based on made up data) copies of LMOs, (b) (6), said (b) (6) could not say for sure if (b) (6) did or didn't, (b) (6) said "I don't think I've said here's the number before, here's after." (b) (6) did recall speaking with (b) (6), (b) (6) personnel in an attempt to figure out the numbers. The interview concluded at 10:20am.

(b) (6), was re-interviewed beginning at 10:30am after information was obtained indicating (b) (6), had instructed other employees not to report the use of the Crestwood well on LMOs. (b) (6), was again informed by this RA that the office door was being closed for privacy, that (b) (6) was not under arrest, and (b) (6) could end the interview at any time. The second interview ended at 11:00am.

Regarding (b) (6) instruction to other Burke employees, (b) (6), said "No I never said, I never gave direction" to other employees. (b) (6), (b) (7) distributed LMOs to different engineers to build up their experience. (b) (6), had prepared (b) (6), (b) (7)(C) LMOs for two years so Crestwood's LMOs were given to (b) (6), (b) (7)(C)) or (b) (6), (b) (7)(C)

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Regarding (b) (6), (b) (7)(C) instruction to (b) (6), about how to fill out Crestwood's LMO's (b) (6), said (b) had a conversation with (b) (6), (b) (7) and (b) (6), (b) approximately two years ago. (b) (6), (b) recollection of the conversation was that there were loses in the Crestwood system, the well was used to make up the 8%. (b) (6), understood that Crestwood stopped using the well after the LOV in 2008. (b) opined there should not have been well usage numbers for 2008. Regarding other Crestwood well discussions (b) (6), said after the LOV (b) and (b) (6), (b) also discussed the well contaminants.

Regarding the reason someone would say (b) (6), instructed them on omitting the Crestwood well use from the LMO (b) (6), said (b) knew the Crestwood well was being used, in passing (b) may have been asked about the well usage by whomever was completing the Crestwood LMO. (b) said "I never said here's the LMO fill it out, don't show any loses." (b) (6), didn't stop and crunch the numbers, (b) would have told the person filling the LMO out, the well was used to make up loses.

(b) (6), could not say (b) gave anyone a number to meet, (b) said "it says 8% right on the form". (b) (6), clarified, I know there was a Crestwood well, (b) (6), (b) (7) made comments about the well supplementing the water supply. (b) (6), said (b) couldn't say if (b) spoke about it with (b) (6), (b) (7)(C), nor could (b) say that (b) saw numbers associated with the Crestwood well. (b) (6), said (b) (6), (b) (7) said not to report numbers because of the 8%. (b) (6), (b) (7) and (b) (6), did not discuss future reporting.

(b) (6), opined (b) (6), (b) (7) probably was requested to alter Crestwood LMOs, (b) likely gave Crestwood direction on how to make adjustments, not "fudge your numbers to get under 8%". For additional clarification (b) (6), said (b) worked on the Crestwood pump to waste discharge line and the LOV. When (b) (6), (b) (7)(C) left in 2006, (b) (6), got involved with Crestwood. Regarding altering numbers for (b) (6), (b) (7)(C) LMO, (b) (6), opined "that was completely different", the numbers were crazy.

Regarding the consequences if the LMO reports showed loses greater than 8% (b) (6), said (b) did not know what would happen or what IDNR would do. (b) (6), could not explain why Burke made such an effort to ensure water lose reported on LMOs was at or below 8%.

(b) (6), opined if someone said (b) directed or told them to fudge LMOs, (b) bet they'd say different now. (b) could not recall any additional conversation with (b) (6), (b) (7) regarding Crestwood's well or LMOs. (b) (6),

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said (b) had told Agents everything to the best of (b) knowledge and that (b) would swear to it.

Prior to leaving for the day (b) (6), told this RA there may be before and after LMOs for (b) (6), (b), and that the Agents may find copies of LMO correspondence for Crestwood that (b) may have faxed to Crestwood, or received. (b) (6), said because the correspondence was sent to (b) doesn't mean (b) actually worked on the project. (b) may have received or forwarded Crestwood documents in (b) (6), (b) (7)(C) absence.

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